

CHAPTER 171 ADULT DAY CARE

[Prior to 7/1/83, Social Services[770] Ch 151]
[Previously appeared as Ch 151—renumbered IAB 2/29/84]
[Prior to 2/11/87, Human Services[498]]

441—171.1(234) Definitions.

“*Adult day care*” means a program of adult care, during the day, for eligible adults in an adult day care center.

“*Adult day care center*” means a facility providing a program of adult care for eligible adults during a portion of the day but for less than 24 hours.

“*Department*” means the Iowa department of human services.

“*Facility*” means the physical plant, equipment and personnel of an adult day care center whose program of adult care has been approved as meeting the standards established in these rules.

“*Impaired adult*” means an adult who has a medically certified psychological or physical impairment which necessitates some form of supervision or assistance.

“*Person*” or “*agency*” means individual, institution, partnership, voluntary association, and corporation.

“*Program of adult care*” means a program designed to provide supportive care in a protective environment which is therapeutically constructed to meet the physical, psychological, and sociological needs of its participants. The program includes but is not limited to providing preventive and restorative services involving medical, rehabilitation, personal care, nutrition, social work, patient activities, and transportation.

“*Project manager*” means a department employee who is responsible for the development, monitoring, and evaluation of a purchase of service agreement with a provider agency.

“*Provider*” means a provider as defined in Title XX, Social Security Act.

This rule is intended to implement Iowa Code section 234.6(6) “a.”

441—171.2(234) Approval.

171.2(1) Request. A request for approval to provide services and receive payment for eligible clients shall be initiated by the provider. Approval shall be made by the project manager only when the provider meets the standards set forth in these rules. Requests shall be initiated by use of a purchase of service agreement addressed to the project manager in the county where the facility is located.

171.2(2) Time limit. Within 15 days of the date the purchase of service agreement is received by the project manager, the facility shall be notified in writing whether or not it meets the standards set forth in these rules. Payment will be made only after the purchase of service agreement is signed by all parties and approval or temporary approval is issued by the project manager.

171.2(3) Conditions. The facility shall be approved by the project manager as complying with all standards or notified of specific deficiencies and the actions necessary to bring the facility into full compliance with the standards.

171.2(4) Temporary approval. The project manager may recommend that a purchase of service agreement be approved even though the provider is not in full compliance with all standards. Such recommendation shall be made only after the provider’s plan for bringing the facility into compliance has been received and approved by the project manager. A facility may operate with temporary approval for the period of time stated in the letter of temporary approval issued by the project manager, but the temporary approval shall not exceed one year.

171.2(5) Review. An adult day care center shall be reviewed for reapproval annually at the time of renewal of the purchase of service agreement.

This rule is intended to implement Iowa Code section 234.6(6) “a.”

441—171.3(234) Eligibility.

171.3(1) Provider. Adult day care shall be purchased by the department only from a provider whose facility has been approved as set forth in these rules and which has a valid purchase of service agreement presently in force with the department of human services as set forth in 441—Chapter 150.

171.3(2) Client. Adult day care services shall be provided only to persons over 18 years of age who are impaired and are incapable of independent living without the services but who do not require 24-hour inpatient care. Each client must meet program and service requirements as set forth in these rules and eligibility requirements as set forth in rule 441—130.3(234).

441—171.4(234) Situations served.

171.4(1) Family. Services and counseling may be provided the family for the purpose of helping the family to cope with and care for an impaired adult.

171.4(2) Individuals. Day care services may be provided to improve the individual’s physical and mental functioning so as to prevent the further general physical and mental deterioration of the individual; to develop an individual’s self-sufficiency and personal independence by providing and supervising self-care training; or to reduce an individual’s inactivity, isolation, loneliness, and social withdrawal.

This rule is intended to implement Iowa Code section 234.6(6) “a.”

441—171.5(234) Standards. The provider shall certify that the adult day care center and its program meet the standards set forth in subrules 171.5(1) to 171.5(8). The provider shall keep records as required by the project manager and shall submit to the project manager documentation of compliance with standards as requested by the project manager.

171.5(1) Compliance with federal, state and local laws. The day care center shall be in compliance with applicable federal, state and local laws and regulation.

171.5(2) Director. The day care center shall have a director who is responsible for administration and the overall conduct of the adult day care program. The director may serve in a part-time capacity, and be affiliated with one or more private agencies.

171.5(3) Full-time program director. The day care center shall have a full-time program director who has experience in program administration and whose skills and competencies meet the type of program and the number of clients served. The program director shall have the following areas of responsibility:

a. Planning the adult day care program to meet the individual and collective needs of participants, including intake process, liaison with community agencies, and provision of needed social services to the individual and family.

b. Supervise and coordinate all program components and services.

c. Maintain fiscal records and forms.

d. Maintain client records of participation and progress, as well as pertinent social and medical information.

e. Acquaint new participants and their families with the services offered by the program thus facilitating adjustment to a new environment.

f. Provide ongoing orientation and education programs for the day care staff as well as the community agencies and groups.

g. Supervise the training and utilization of volunteers with consideration of their individual talents and activities to work specifically with the day care program.

h. Development, implementation, and review of appropriate policies and procedures.

171.5(4) *Professional and supportive personnel.* The day care center shall have sufficient professional and supportive personnel to provide quality services efficiently and effectively. Personnel that are working with people in day care are to be positively oriented toward maintaining an individual's maximum involvement in relationships and activities for as long as possible and not to provide or care for the clients so as to increase their dependence. Whether sufficient professional and supportive personnel exists shall be determined by the department's project manager, utilizing minimum program standards as identified herein and stated scope and objectives of the individual program proposal. Whenever components of services are provided by other than direct program staff, written contractual agreements shall be entered into with appropriate professional and supportive personnel.

171.5(5) *Written policies and procedures.* The day care center shall have written policies and procedures which reflect the day care center's objectives and which govern the provision of services. The policies and procedures shall be submitted to and be approved by the project manager before approval is granted. At a minimum, the written policies and procedures shall be specific in the following areas:

a. Organizational structure.

(1) Legal status

(2) Table of organization

(3) Philosophy and goal and objectives

(4) Services offered

(5) Job descriptions

b. Criteria for admission.

c. Admission policies and procedures.

d. Payment for services.

e. Client records.

(1) Content

(2) Confidentiality

f. Policy on storage and on distribution of medications.

g. Policy for agency coordination with family and other appropriate individuals and agencies.

h. Facility disaster plan and has a posted, written disaster preparedness plan, covering all known types of disasters available to all personnel and has a disaster drill for clients at least once each quarter.

i. Discharge policies and procedures.

j. Appeal procedures for employee grievances.

k. Nondiscrimination statement.

171.5(6) *Written plan of day care.* The day care center shall provide a written individualized plan of day care for each participant. An individualized plan of care shall be prepared by the day care staff in cooperation with the service worker with active involvement of each program participant and the participant's family. The plan of care shall:

a. Set forth goals to be accomplished.

b. Prescribe an integrated program of individually designed activities, therapies and treatments necessary to achieve such goals.

c. Indicate which professional service or individual is responsible for each element of care or service prescribed in the plan. In order to coordinate activities in the best interests of the person, the plan shall be developed in cooperation with other community agencies involved with the individual.

d. The plan of care shall be reviewed and updated at least every three months. Regular periodic review and implementation of necessary program changes shall be based upon needs of the client served and the program offered.

e. The factors to be used in determining what plan of day care is best suited to the client's needs shall include but not be limited to:

- (1) Physical and mental abilities and needs.
- (2) Social and emotional needs.
- (3) Amount of supervision required.
- (4) Specific individual problems.
- (5) Medical and social prognosis.
- (6) Treatment goals.
- (7) Physician's instructions.
- (8) Individual participant and family requests.

171.5(7) Client record system. The day care center shall have client record system which includes the maintenance of a complete file on each participant. The case record shall be retained in a closed file for three years after services are terminated. Each record shall include as a minimum:

a. Identification information and admission data including medical and social history.

b. Physician's certification that the individual is able to participate in the day care program, and physician's orders pertaining to medications, treatments, diet and rehabilitation and special medical procedures required for the safety and well being of the participant. The physician's certification and orders shall be received in writing by the day care center prior to admission.

c. Current health evaluation, including complete physical examination. This health information shall be in the participant's individual record within 60 days after admission to the program.

d. The written plan of day care as specified in subrule 171.5(6).

e. Copies of all initial and periodic examinations, evaluations, and progress notes relating to the formation and delivery of the plan of care. Reports, evaluations, and progress notes relating to services and consultations from health professionals shall be dated and signed.

f. Discharge summary.

g. Instructions for dealing with emergency situations. Medical records, including medications, medical treatment, and similar information, shall be maintained in the record for at least three months.

171.5(8) Physical plant. The participating day care center shall have a physical plant which:

a. Complies with all applicable local and state building regulations;

b. Complies with all applicable local and state health and safety codes;

c. Is equipped and maintained to provide a safe, functional, sanitary, and comfortable environment, with special equipment for handicapped participants;

d. Contains an area for dining, social activities, and a suitable area for rest periods;

e. Contains an adequate number of easily accessible separate bathroom facilities for men and women.

171.5(9) Waiver. The project manager, with the approval of the district administrator, may issue a written waiver to a facility for a specific standard provided the provider furnishes a written statement from the state fire marshal when applicable, that to do so would present no imminent danger. The facility shall submit a written request for waiver including a statement of reasons why they cannot comply with the standard.

This rule is intended to implement Iowa Code section 234.6(6) “a.”

441—171.6(234) Component services to be provided. The day care center shall provide the following component services:

171.6(1) Medical emergency services. Instructions for dealing with medical emergency situations shall be established in writing. The instructions shall include the name and telephone number of a physician on call, written arrangements with a nearby hospital for inpatient and emergency room service, and provisions for ambulance transportation.

171.6(2) Rehabilitative services. Rehabilitative services shall include physical therapy, occupational therapy, recreational therapy, and speech therapy services which are provided by the day care center directly or indirectly through arrangements with qualified outside sources and which are designed to improve or maintain ability for the client’s independent functioning.

171.6(3) Personal care services. Personal care services shall include assistance with daily activities and training for independent daily living, such as walking, eating, toileting, grooming; and counseling in personal hygiene.

171.6(4) Nutrition services. The day care center shall provide or make adequate arrangements for a minimum of one meal per day which is of suitable quality and quantity as to supply at least one-third of the daily nutritional requirement. Special diets and supplemental feeding shall be available if the client’s needs so warrant.

171.6(5) Social work services. The day care center shall provide or arrange for social services designed to promote preservation and restoration of the client’s physical and mental health. A plan for the preservation and restoration is recorded in the client’s record and is periodically evaluated in conjunction with the client’s total plan of care. At a minimum, the following social services shall be available:

- a. Completion of required social history information,
- b. Information and referral services,
- c. Individual and family counseling,
- d. Assessment services in order to determine appropriateness of referrals for adult day care and to contribute to formulation of a plan of care,
- e. Consistent participation with the day care team in the formulation, implementation, and evaluation of the client’s overall plan at the day care center,
- f. Participation in the discharge planning and follow-up of clients,
- g. Provision of in-service training to day care staff.

171.6(6) Patient activities services. A plan for independent and group activities shall be developed for each participant in accordance with needs and interests. The plan is incorporated in the overall plan of care and is reviewed, with the client participating, at least quarterly and altered as needed. Clients shall be encouraged, but not forced, to participate in planned activities appropriate to their individual needs. The facility shall provide adequate indoor and outdoor space and sufficient equipment and materials to support independent and group activities.

171.6(7) Transportation services. The day care center shall provide or arrange for transportation for clients to and from their homes and to other community facilities utilized in implementing the client’s plan of day care.

This rule is intended to implement Iowa Code section 234.6(6) “a.”

441—171.7(234) Availability of component day care services. All day care centers shall make available the component services set forth in 171.6(1) to 171.6(7). To comply with this standard the center may make the services available by:

171.7(1) Direct provision. Providing the service itself as part of the day care program.

171.7(2) Purchase. Referring the client to an outside provider with the day care center guaranteeing payment. This arrangement would require written contracts between the outside provider and the day care center.

171.7(3) Consultation. Arranging for consultation by an outside consultant for periodic evaluations of the client's need for specific services. These arrangements would require written contracts between the consultant and the day care center.

This rule is intended to implement Iowa Code section 234.6(6) "a."

441—171.8(234) Termination.

171.8(1) By department. Payment for services to a client in adult day care shall be terminated by the department upon notice to the client and provider when a client no longer meets the eligibility requirements for services or when the physical or mental condition of the client requires more care than can be provided through adult day care, or if the client no longer has need for the services due to improvement of the client's physical or mental condition or a change in living circumstances. The department shall give ten days' written notice of the termination to the provider and the client or the client's legal representative.

171.8(2) By client. The client or the client's legal representative shall be able to terminate adult day care service for any reason by giving the department and the provider ten days' written notice of the client's intention to do so.

171.8(3) By provider. Services may be terminated by the provider when the client fails to cooperate in the written plan of day care provided for the client by giving ten days' written notice to the department and the client.

This rule is intended to implement Iowa Code section 234.6(6) "a."

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